

Frequently Asked Questions Limited Jurisdiction and Superior Courts

What is the Address Confidentiality Program (ACP)?

ARS §41-162

The ACP is a program that offers victims/survivors of domestic violence, sexual offenses, or stalking another way to keep themselves and their family safe by assisting them in protecting their confidential location from being disclosed through public records. The ACP is part of an overall safety plan. Our program provides a legal substitute address and mail forwarding services to certified participants.

Is the ACP a new program?

ARS §41-162

Yes. The ACP began in the summer of 2012. The program is administered by the Office of Arizona Secretary of State. Laws governing the program are located in the Arizona Revised Statutes Title 41, Chapter 1, Article 3.

How is the ACP funded?

ARS §41-169 and ARS §12-116.05

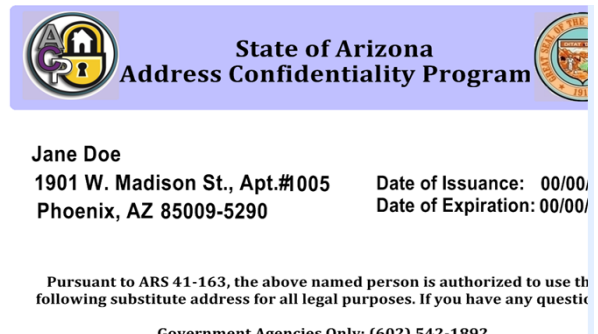
The program is funded by a \$50 assessment levied on persons convicted of an offense included in ARS Title 13, Chapter 14 or 35.1 (sexual offenses), a domestic violence offense pursuant to ARS §13-3601 or stalking offense pursuant to ARS §13-2923. This assessment is in addition to any other fine, penalty or fee authorized by law. Of the monies collected, 95% are transferred to the ACP fund and the clerk of the court retains 5% of the monies for administrative costs.

How will I know if I am interacting with an ACP participant?

It is the participant's responsibility to identify themselves as an ACP participant and present his/her authorization card to any local or state government agency or official when requesting services. For verification of a person's enrollment status in the ACP, you may call the government agency ACP line (602) 542-1892.

What does the ACP Authorization Card look like?

As depicted in the sample card below, the ACP card shows the substitute address, his or her ACP apartment number, signature, and the ACP phone number. This card is not to be used for identification purposes. It is only to be used to show they have the authority to use the substitute address. The government agency may make a photocopy of the card for recordkeeping.



What are the responsibilities of the courts when a participant presents an ACP authorization card?

ARS §41-166(B)

The courts must accept the substitute address shown on the ACP authorization card when presented by the participant for use as his/her residential, work, or school address. The substitute address is considered his/her legal address of record. The courts cannot force or require a participant to release their confidential address. Courts should not have the participant complete a protected address form. The substitute address protects the real address from having to be disclosed.

Will ACP notify the courts of an applicant involved in a pending court action or court order?

ARS §41-167

Yes. ACP will notify the clerk of court if a participant in our program is currently involved in a court action or is under a court order in cases only involving dissolution of marriage, child support or the allocation of parental responsibilities or parenting time. All other court matters, participants are required to notify the court by showing his/her authorization card and request the court to change the address to the substitute address.

What is my responsibility if the participant gives me his/her actual confidential address, and does not identify themselves or show me the ACP authorization card?

ARS § 41-166(A)

If the participant provides his/her confidential address and does not identify as an ACP participant, then you have no responsibility to maintain the confidentiality of their address.

Is the participant's substitute address confidential?

No. The substitute address is the address that should display in all records related to a participant. Only the participant's actual address is confidential and cannot be forced to be disclosed.

How will service of process, including personal service be handled in regards to an ACP participant?

ARS §41-162(C)

The ACP accepts legal mail on behalf of the ACP participant. When a person enters into the ACP he/she designates the ACP as his/her legal agent for receipt of mail and service of process. When ACP receives the service on behalf of the participant, it is the same as a participant receiving service. A participant's failure to comply with any legal document served could find the participant in contempt of court. Delay in mail cannot be used as an excuse to the court when failing to abide by the directions included in the legal document. If in-person service needs to occur, please contact 602-542-1892 to schedule a time to serve the Director or her designee on behalf of the participant.

What if the court is in need of the ACP participant's confidential address?

ARS §41-165 and ARS §41-167

ACP cannot disclose the address or telephone number of an ACP participant other than the substitute address, except if required by the direction of a court order or if a government agency requests the address through the request of disclosure processes. Even if an agency, including the court, receives the confidential address of a participant, the agency will need to limit who has access and use of the address. It is unlawful to knowingly and intentionally disclose a program participant's actual address when that person has specific knowledge that the actual address belongs to a participant of the ACP (class 1 misdemeanor).

What if an ACP participant is trying to obtain an Order of Protection or Injunction Against Harassment? What address is allowed on the order or injunction?

ARS §41-166(J), Arizona Rules of Protective Order of Procedure (2009)

The courts cannot require a participant to release his/her own confidential address. The substitute address is his/her legal address of record and are allowed to testify under oath as such. Participants in our program will be encouraged to use their substitute address whenever an address is asked by a government agency and request confidentiality provisions of no contact and no disclosure of their confidential address per the Arizona Rules of Protective Order Procedure.

Some hearings in the courts are emergency hearings and are scheduled in a matter of days. How will this affect the courts and the participants in your program?

When applying to be enrolled into the ACP, applicants are informed up front there is a mail delay when receiving their mail. They are also informed there are no legal exceptions for ACP participants in regards to mail delays and matters with court hearings. Participants are encouraged to maintain contact with the courts or their legal counsel if they are involved in any matters with the courts. ACP does not discourage court staff from marking on the outside of the envelope if the correspondence is related to a time-sensitive manner for ACP participants.